THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18787 OF 2004

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ORAL ORDER:

This writ petition is filed questioning the proceedings of the 1st respondent - District Collector (CS), West Godavari District, Eluru, dated 7.09.2004, whereunder the petitioner's rice mill was black-listed and directions were issued not to issue any eligibility certificate from the District Supply Officer's Office, Eluru for procurement of paddy and delivery of raw rice to Food Corporation of India under mill levy.

From the affidavit filed in support of the writ petition as well as the counter-affidavit filed by the 1st respondent, it appears that there are serious allegations of unauthorized storage of rice in the petitioner's rice mill and that despite the fact that the mill was seized, locks were removed and certain stocks were lifted. On the basis of the said allegations, criminal proceedings have been initiated and the same are pending. It also appears that proceedings under Section 6-A of the Essential Commodities Act are also pending for confiscation of the stocks seized.

Be that as it may, so far as this writ petition is concerned, the order passed by the 1st respondent black-listing the petitioner's rice mill is under challenge.

Though a detailed counter-affidavit has been filed on behalf of the respondents, the powers of the 1st respondent to pass the order impugned i.e., to order black-listing of a s rice mill for the purpose of procurement of paddy under any statute could not be traced. That apart, admittedly, no notice was issued to the petitioner before passing the impugned order, and there was no opportunity to him to rebut the allegations. In the circumstances, on that ground alone the impugned order is liable to be set aside.

Accordingly, the impugned order is set aside and the writ petition is disposed of granting liberty to the respondents to proceed against the petitioner following due process of law.

The writ petition is according disposed of. No costs.

(G. ROHINI, J.)

13th February, 2006.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.18787 OF 2004

13th February, 2006.

Between:

Gullapudi Suryaprakasa Rao. .. Petitioner.

And

The District Collector (Civil Supplies)

Eluru, West Godavari District and

five others. .. Respondents.